

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES C. LEE,)	2:09cv894
)	Electronic Filing
Plaintiff,)	
)	District Judge David S. Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
CORRECTIONAL OFFICER CUMMINGS;)	
STATE CORRECTIONAL INSTITUTION)	
AT FAYETTE,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (Document No. 1) on July 8, 2009, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on February 17, 2010, (Document No. 18) recommending that the Complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until March 8, 2010, to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25 day of March, 2010,

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** for failure to prosecute.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 18) of Magistrate Judge Lenihan dated February 17, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercione
United States District Judge

cc: James C. Lee
809 Woodward Avenue
McKees Rocks, PA 15136